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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

IN RE COLLEGIATE ATHLETE NIL  
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF STEVEN F. MOLO  
IN SUPPORT OF  
MENKE-WEIDENBACH OBJECTORS'  
MOTION TO EXTEND TIME FOR  
FILING OF MOTION FOR  
ATTORNEYS' FEES**

Hon. Claudia Wilken

1 I, Steven F. Molo, declare as follows:

2 1. I am a partner at MoloLamken LLP and represent the Menke-Weidenbach  
3 Objectors in this litigation. I am an attorney in good standing with the bars of Illinois and New  
4 York, and I am admitted *pro hac vice* to this Court. I make this declaration in support of the  
5 Menke-Weidenbach Objectors' motion to extend time for filing their motion for attorneys' fees.

6 2. MoloLamken has expended many attorney hours diligently representing the  
7 Menke-Weidenbach Objectors in this litigation. Our advocacy resulted in a modification of the  
8 Title IX release following the preliminary approval hearing and the modification of the roster cap  
9 provisions of the Fourth Amended Settlement, which provided a substantial benefit to the segment  
10 of the class harmed by those provisions.

11 3. Obtaining that result was a significant undertaking. Objectors' Counsel filed  
12 multiple briefs, compiled 196 declarations from affected class members, argued at the Final  
13 Fairness Hearing, and participated in the Court-ordered mediation. Those efforts resulted in  
14 beneficial modifications to the settlement which improved the relief received by large numbers  
15 of the class. Class Counsel touted that the amendments secured "additional" and "highly valuable  
16 protection[s]" from the roster caps, insisted those protections would address objectors' concerns,  
17 and committed themselves to enforcing those protections. Dkt. 958 at 1-4 & n.1.

18 4. The Court issued final approval of Fourth Amended Settlement on June 6, 2025,  
19 and entered final judgment that same day. Accordingly, under the Federal Rules of Civil  
20 Procedure, any motion for attorneys' fees by Objectors' Counsel was required to be filed by June  
21 20, 2025.

22 5. In the two weeks following the entry of final judgment, Objectors' Counsel was  
23 engaged – and remains engaged – in serious review of its options on appeal prior to the 30-day  
24 deadline to notice an appeal. Regrettably, Objectors' Counsel's singular focus resulted in  
25 overlooking the shorter 14-day deadline to file its motion for attorneys' fees, which elapsed on  
26 June 20, 2025.

1           6.       I became aware of the missed deadline on June 23, 2025. My team immediately  
2 reached out to Class Counsel and counsel for Defendants to request a stipulation to extend the  
3 period for filing our motion for attorneys' fees. The next day, on June 24, 2025, Class Counsel  
4 shockingly stated that they would not consent to such an extension unless the Menke-Weidenbach  
5 Objectors agreed to forgo a potential appeal. Class Counsel specifically stated in writing that they  
6 would not consent to an extension, but their "[a]nswer might be different if you weren't appealing  
7 but so long as that's possible the answer is no." As soon as Class Counsel declined to consent,  
8 Objectors' Counsel promptly prepared this extension motion. Later on the same day, counsel for  
9 Defendants also declined to consent to the extension.

10           7.       Counsel for the Menke-Weidenbach Objectors will not compromise their clients'  
11 rights to further their own economic interests. It is shocking – and raises ethical concerns – that  
12 Class Counsel would make such a proposal. As stated, the Menke-Weidenbach Objectors remain  
13 engaged in serious review of their appellate options.

14           8.       If the requested extension is not granted, the Menke-Weidenbach Objectors will  
15 lose the opportunity to seek a fee award recognizing their contributions to the settlement, which  
16 substantially improved the benefits afforded to a large segment of the class.

17           9.       The requested extension will not impact case scheduling. The Court entered final  
18 judgment in this case on June 6, 2025, and multiple appeals filed by other objectors are already  
19 pending. Under the terms of the Fourth Amended Settlement, all payments are stayed during the  
20 pendency of all appeals from this action.

21           10.      The Menke-Weidenbach Objectors have not previously requested any extensions  
22 in this case.

23           11.      The requested extension will streamline the issues before the Court. Allowing the  
24 pending appeals to be decided enables Objectors' Counsel to present a single motion for fees,  
25 rather than piecemeal. Indeed, Menke-Weidenbach Objectors' response to the final settlement  
26 proposal was filed early in recognition of how time was of the essence to many class members  
27 dealing with roster cuts and transfers.

1           12.     The Menke-Weidenbach Objectors therefore request an extension of time to file  
2 their motion for attorneys' fees up to 30 days following the issuance of the latest mandate in all  
3 appeals from this action. In the alternative, the Menke-Weidenbach Objectors seek an extension  
4 to file their fee motion by July 28, 2025.

5           I declare under penalty of perjury that the foregoing is true and correct.

6           Executed on June 25, 2025  
7 Chicago, Illinois

/s/ Steven F. Molo  
Steven F. Molo